

E-002/CI-91-966 ORDER GRANTING IN PART AND DENYING IN PART
PETITION FOR RECONSIDERATION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Cynthia A. Kitlinski
Dee Knaak
Norma McKanna
Darrel L. Peterson

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of an
Investigation Regarding Northern
States Power's Refuse Derived
Fuel Activity

ISSUE DATE: January 13, 1992

DOCKET NO. E-002/CI-91-966

ORDER GRANTING IN PART AND
DENYING IN PART PETITION FOR
RECONSIDERATION

PROCEDURAL HISTORY

On December 12, 1991, the Commission issued its ORDER INITIATING INVESTIGATION. In this Order, the Commission directed the Minnesota Department of Public Service to conduct an investigation of Northern States Power Company's (NSP's) refuse derived fuel (RDF) activity, report back to the Commission, and serve copies of its report upon the parties to NSP's most recent rate case, Docket No. E-002/GR-91-1 on or before March 1, 1992.

On December 23, 1991, Mankato Citizens Concerned With Preserving Environmental Quality (Mankato) filed a petition for reconsideration of the Order.

On January 2, 1992, the Minnesota Department of Public Service (the Department) and NSP filed replies to Mankato's petition.

On January 7, 1992, the Commission met to Consider this matter.

FINDINGS AND CONCLUSIONS

Mankato's petition requests reconsideration or clarification of two points: Mankato's role in the investigation and the investigation's conclusion date.

Date for Concluding the Investigation

In the December 12, 1991 Order that initiated this investigation, the Commission required the Department to conclude its investigation and file a report by March 1, 1992. In its petition, Mankato argued that the completion date should be moved back to May 1992 to permit fuller investigation of the matter.

In the December 12, 1991 Order, the Commission chose a March 1, 1992 completion date because at the time it was anticipated that NSP would be filing its next rate case in mid-December. A March 1 closing date was required in order to allow the investigation to be considered when the parties filed their direct testimony in NSP's rate case, i.e. mid-March 1992.

The Commission maintains its desire that the results of this investigation be considered in NSP's next rate case. However, it now appears that NSP's next rate case filing will occur at the end of January. As a result, it is unlikely that direct testimony will be filed in that matter before mid-May. Consequently, the deadline for the Department's completion of its investigation may be safely extended to May 1, 1992, allowing the Department greater time to work on this important investigation. This new deadline for receiving the Department's report followed by a fifteen day comment period, then, should coincide with the filing of direct testimony by the parties to NSP's rate case.

Mankato's Role in the Investigation

Mankato asked that the Commission reconsider its procedure whereby the Department conducts the investigation and interested parties, such as Mankato, are only allowed to file comments on the report of investigation filed by the Department. Mankato requested that the Commission amend its December 12, 1991 Order to grant interested parties, itself and the RUD-OAG in particular, the same discovery rights as the Department and the right to submit a written report at the end of the investigation. In support of its request, Mankato stated that it had more information on this subject than the Department and would know better what specific areas of discovery should be pursued.

The Commission finds no reason to depart from its established practice in conducting this investigation. The Commission prefers that its investigation proceed in a unified manner rather than through a multi-party process. The potential for delay-producing discovery battles is increased in a multi-party environment.

Regarding Mankato's assertion that it possesses more information about this matter than any party, the Commission urges Mankato to provide the Department with whatever information it has on this subject that it has not already provided the Department as part of NSP's general rate case, Docket No. E-002/GR-91-1. As to its assertion of superior knowledge of what areas to pursue in discovery, the Commission urges Mankato to participate in this investigation by communicating its ideas to the Department. The Commission assumes that the Department will follow its customary practice of incorporating into its investigation anything of value that parties, such as Mankato, bring to its attention.

Finally, despite the increased time afforded this investigation, the timetable for completion of this investigation remains rigorous. It is appropriate, therefore, to encourage NSP to be prompt and forthcoming in its responses to the Department's requests for information in this important matter. The diligence and cooperation of all concerned is anticipated.

ORDER

1. The timetable for completion of the investigation of Northern States Power Company's (NSP's) is altered as follows:
 - a. the Department of Public Service (the Department) shall file its report of investigation and recommendations and serve copies of its report upon the parties to Docket No. E-002/GR-91-1 on or before May 1, 1992; and
 - b. interested persons shall have 15 days to file comments following the filing of the Department's report.
2. The petition of Mankato Citizens Concerned With Preserving Environmental Quality (Mankato) for reconsideration of the Commission's December 12, 1991 Order in this matter is, in all other respects, denied.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)